

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-CR-00269-RJC-DCK

USA

v.

BENJAMIN MCMILLER

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se, (Doc. No. 68), to reconsider the denial of his second motion for compassionate release, (Doc. No. 67).

The United States Court of Appeals for the Fourth Circuit has ruled that neither the federal statutes nor the Rules of Criminal Procedure authorize a motion for reconsideration in a criminal case. United States v. Breit, 754 F.2d 526, 530 (4th Cir. 1985) (“[D]efendant’s remedies are limited by the statutes and Federal Rules of Criminal and Appellate Procedure . . .”). Accordingly, a defendant must file a notice of appeal within 14 days after the entry of the order being appealed. Fed. R. App. P. 4(b)(1)(A)(i).

IT IS, THEREFORE, ORDERED that the defendant’s motion, (Doc. No. 68), is **DISMISSED**.

The Clerk is directed to certify copies of this Order to the defendant and the United States Attorney.

Signed: August 24, 2022



Robert J. Conrad, Jr.

United States District Judge